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FOUNDED 1866

October 22, 2015

By ECF

The Honorable Denise L. Cote
United States District Court Judge
Southern District of New York
500 Pearl St., Room 1610
New York, New York 10007-1312

Re: *Diesel eBooks, LLC v. Apple, Inc. et al.*, 14 Civ. 1768 (DLC)

Dear Judge Cote:

We represent defendants Verlagsgruppe Georg von Holtzbrinck GmbH and Holtzbrinck Publishers, LLC d/b/a Macmillan in the above-referenced action, and also write on behalf of defendants Hachette Book Group, Inc., HarperCollins Publishers L.L.C., The Penguin Group, a Division of Pearson PLC, and Simon & Schuster, Inc. (collectively, "Publisher Defendants"). The Publisher Defendants submit this letter in connection with their opposition to the motion for partial summary judgment filed by plaintiff Diesel eBooks, LLC ("Diesel") with respect to certain of the Publisher Defendants' counterclaims.

Pursuant to the Order entered by the Court on October 19, 2015 (Docket No. 174), we are submitting a CD-Rom of the Publisher Defendants' unredacted summary judgment opposition papers, exhibits, and supporting documents to the Court. We hand-delivered two physical copies of these materials to the Court on Friday, October 16, 2015, pursuant to Paragraph 20 of the Stipulated Protective Order and Rule 4(A) of the Court's Individual Practices in Civil Cases.

The Publisher Defendants propose to meet and confer with Diesel and third parties regarding potential redactions and advise the Court regarding redaction requests by October 29, 2015.



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Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John J. Lavelle".

John J. Lavelle

cc: All counsel of record (by ECF)
